

ESTTA Tracking number: **ESTTA71523**

Filing date: **03/17/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Dennis Stuff, Inc.
Granted to Date of previous extension	03/19/2006
Address	1040 Avenue of the Americas New York, NY 10018 UNITED STATES

Correspondence information	Dennis Stuff, Inc. 1040 Avenue of the Americas New York, NY 10018 UNITED STATES pml@jddlaw.com Phone:(212) 207-8787
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Applicant Information

Application No	76977298	Publication date	09/20/2005
Opposition Filing Date	03/17/2006	Opposition Period Ends	03/19/2006
Applicant	Harris Publications, Inc. 1115 Broadway New York, NY 10010 UNITED STATES		

Goods/Services Affected by Opposition

Class 016. First Use: 2003/05/27 First Use In Commerce: 2003/05/27 All goods and services in the class are opposed, namely: magazine in the field of automobiles

Attachments	Notice of Opposition.pdf (2 pages)
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Signature	/peter m langrind/
Name	Dennis Stuff, Inc.
Date	03/17/2006

Opposer, Dennis Stuff, Inc. (“Opposer”), a New York corporation with offices at 1040 Avenue of the Americas, New York, New York 10018, through its undersigned counsel, hereby opposes the above-identified application, Serial No. 76/977,298, for the mark RIDES, and asserts as follows:

1. Opposer publishes *Stuff* Magazine, a very popular men’s lifestyle and popular culture magazine in the United States, which features articles on a variety of topics of interest to young men, including automobiles and motor vehicles.

2. Automotive features in Opposer’s *Stuff* Magazine sometimes refer to motor vehicles by the popular slang term “rides,” which, for many years has been used to refer to vehicular transport, and which has found particular popularity in the jargon of the young men that comprise *Stuff* Magazine’s readership demographic specifically to refer to “trendy” automobiles.

3. Applicant’s identification of goods under RIDES application Serial No. 76/977,298 is a “magazine in the field of automobiles.” However, the word “rides” is a highly descriptive and/or generic when used to refer to motor vehicles and therefore is not registrable as a trademark, within the meaning of the Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1), for any goods and services related to automobiles. Applicant is thus not entitled to a federal registration for the mark RIDES in respect of Applicant’s goods of interest.

3. Applicant has objected to Opposer’s use in *Stuff* Magazine of the word “rides” in features about automobiles, on the ground that Applicant allegedly has trademark rights in the word “rides,” by virtue of its use of the word as the title of Applicant’s automobile magazine. Opposer has rejected Applicant’s demand on the

grounds that “rides” is highly descriptive of and/or generic for motor vehicles and Applicant cannot have enforceable trademark rights in a highly descriptive and/or generic word.

4. Opposer’s *Stuff* Magazine is a lifestyle magazine for young men, a readership demographic that expects publications geared to their popular culture interests to be written in their own argot. This readership demographic has come to view Opposer’s *Stuff* Magazine as on the forefront of popular culture publications and to maintain this perception, and thus its popularity among such readers, it is critical that *Stuff* Magazine keep pace with the current parlance of its readership demographic. Opposer will be damaged if it is required to forgo using its own reader’s highly descriptive and/or generic term for trendy motor vehicles, as *Stuff* Magazine will cease to be current and will lose popularity with its readers.

5. If Applicant’s mark is registered, it will receive federally enforceable rights in a word that has passed into the language as an unregistrable highly descriptive and/or generic term for motor vehicles, but upon which it nevertheless will be able to rely as a basis to attempt to enjoin Applicant’s and any other third-party’s use of the word “rides” to describe motor vehicles. Opposer will be damaged by the registration of Applicant’s mark in that, given Applicant’s prior fruitless objections to Opposer’s descriptive use of “rides,” Applicant is certain to renew its attempt to force Opposer to cease use of the word, based on such registration.

WHEREFORE, Opposer requests that the Board refuse registration of the subject application, and the underlying mark, and that this opposition be sustained in favor of Opposer.